

**IN THE UNITED STATES BANKRUPTCY COURT
IN THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

IN RE:

BISON LAND & MINERALS, LLC

CASE NO. 23-01140 JAW

**MOTION TO REQUIRE ESCROWED
SUBCHAPTER V TRUSTEE PAYMENTS**

Comes now Robert Alan Byrd, the duly appointed Subchapter V Trustee in the above encaptioned cause (the “Trustee”), and files this his Motion to Require Escrowed Subchapter V Trustee Payments (the “Motion”) and in support of same would show unto the Court the following, to-wit:

I

The undersigned has been appointed as the Subchapter V Trustee in this Chapter 11 case.

II

There is no statutory requirement for the Debtor-in-Possession in a Subchapter V case to pay, or even escrow, fees and expenses of the Trustee (or any Trustee for that matter) while the case is pending and before confirmation of a Plan.

III

In addition, a number of Subchapter V cases are filed that simply are not going to be able to submit a feasible Chapter 11 Plan, and the earlier the parties in the case know that, the better off everyone will be.

IV

Bearing all of these considerations in mind, the Trustee moves the Court for an order requiring the Debtor to begin, immediately, depositing the sum of \$1,000.00 per month with the Trustee, to be held in escrow pending an application for compensation and notice and a hearing in connection with such application. The escrowed funds will be used to defray the Trustee’s compensation, if any.

VI

In the event the Debtor cannot afford to escrow \$1,000.00 per month, or in the event the Debtor (or its equity security holders) are unwilling or unable to come up with \$1,000.00 per month to fund an escrow, then the parties should know that sooner rather than later and take such actions as necessary.

VII

Other courts around the country have granted similar motions in Subchapter V cases (although at least one court has declined to do so) and some courts either have pending local rules or standing orders requiring such retainers to be paid, subject to the fee application, notice and a hearing process.

VIII

Other grounds to be assigned upon a hearing hereof.

WHEREFORE, premises considered, the Trustee would pray that upon a hearing hereof this Honorable Court will enter its order granting the Motion. The Trustee prays for such other and further relief as is just and proper in the premises.

Respectfully submitted,

BY: BYRD & WISER

BY: 

ROBERT ALAN BYRD
SUBCHAPTER V TRUSTEE
MSB#7651
EMAIL: rab@byrdwiser.com

CERTIFICATE

I, ROBERT ALAN BYRD, Subchapter V Trustee, do hereby certify that I have this day filed the foregoing via the Court's ECF system which caused a copy of same to be delivered to all counsel of record

This the 22nd day of May, 2023.


ROBERT ALAN BYRD